



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CRIMINAL APPEAL NO. 636 OF 2024

1. Mohanrao s/o Keshav Bhakre
2. Muktabai w/o Mohanrao Bhakre
3. Sanjay s/o Mohanrao Bhakre
4. Shantabai w/o Maroti Bhakre
5. Jayshri w/o Sanjay Bhakre
6. Savita w/o Santosh Bhakre
7. Manjusha w/o Shankar Bhakre ...Appellants

versus

1. The State of Maharashtra
2. Bhanudas Prabhakar Bandewad ...Respondents

...

Advocate for appellants : Mr. Avinash D. Hande

APP for Respondent No. 1: Mr. S. B. Narwade

Advocate for Respondent No.2 : Mr. U.B. Bilolikar

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CORAM : SHIVKUMAR DIGE, J.

DATED : 13th AUGUST, 2024.

PER COURT :-

1. This appeal is preferred against the order dated 03.07.2024 passed by the Special Judge (SC and ST), Biloli, District Nanded in Criminal Bail Application No.98 of 2024 filed in pursuance of FIR No.120 of 2024 registered with Naigaon (Bz) Police Station, district Nanded for the offences punishable under sections 324, 323, 504, 506, 143, 147, 149 of I.P.C., sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 135 of Maharashtra Police Act.

2. It is the prosecution's case that there was dispute in respect of plot between the informant and the co-accused. One Vedprakash Malge and the informant had filed a complaint before the Panchayat Samiti, Naigaon. Accordingly, on 28.5.2024, the Officer of Panchayat Samiti had come to make enquiry at village Gadga, Tq. Naigaon, district Nanded. It is alleged that at the time of said enquiry, the present applicants and co-accused were present. It is alleged that when the enquiry was going on, at that time, the applicants and co-accused abused the informant on his caste and assaulted him with stone, fist and kick blows.

3. It is contention of learned counsel for the appellants that the appellants have been falsely implicated in this case. There are no allegations against the appellants that they abused the informant on his caste. The allegations against the appellants are that they assaulted the informant with fist and kick blows. Considering the allegations against the appellants, their custodial interrogation is not required and requested to allow the appeal.

4. It is contention of learned APP alongwith learned counsel for respondent No.2 that the appellants and co-accused were part of the group who abused the informant on his caste and assaulted him with

stone, fist and kick blows. The incident is happened at public place. The witnesses were present there. Considering the allegations against the appellants, their custodial interrogation is required and requested to reject the appeal.

5. I have heard all the learned counsel. Perused the impugned order passed by the trial Court, F.I.R. and police papers produced on record. The allegations against the appellants are that they assaulted the informant with fist and kick blows. There are no allegations against the appellants that they abused the informant on his caste. The appellant Nos. 2, 4, 5, 6 and 7 are ladies. Considering these facts, the custodial interrogation of the appellants is not required and I pass the following order:-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 03.07.2024 passed by the Special Judge (SC and ST), Biloli, District Nanded in Criminal Bail Application No.98 of 2024 is quashed and set aside.
- (iii) The interim anticipatory bail granted to the appellants vide order dated 31.07.2024 stands confirmed on the same terms and conditions with the following modification:-

(a) the appellants shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

rlj/